Distr.: Limited
3 April 2018

Original: English

**Expert Group to Conduct a Comprehensive Study on Cybercrime**
Vienna, 3–5 April 2018

# Draft report

**Addendum**

## III. Summary of deliberations

### B. Legislation and frameworks (*continued*)

1. During its third meeting, the Expert Group continued its consideration of agenda item 2. Additional points raised by speakers included the importance of ensuring that human rights safeguards in accordance with international law and standards are observed in legislation related to cybercrime and to international cooperation agreements or arrangements, particularly involving electronic evidence. In particular, the importance of balancing the rights to privacy and freedom of expression with the need to prevent and combat cybercrime was discussed. Several speakers stated that they observed a higher degree of convergence of criminalization of cybercrime-related offences in different jurisdictions, which consequently contributed to decreasing fragmentation of legal norms in this field. Remaining challenges reported were the further strengthening of international cooperation efforts, through both formal and informal cooperation practices, and jurisdictional issues raised by cloud computing.

2. The Expert Group further discussed the issue of transborder access to data. It was noted in this regard that deliberations on this matter were very useful in the context of the Expert Group and in other relevant intergovernmental forums, in order to identify best practices and to enhance cooperation among jurisdictions for the investigation of cybercrime. It was further noted that respect of the principle of national sovereignty was an issue that needed to be considered further as it was not always clear how practices in accessing data located in other jurisdictions were compatible with this principle. The proportionality principle in efforts to curb cybercrime was also highlighted. Moreover, many speakers stated that legislation to counter cybercrime needed to use technologically neutral language in order to keep up with the pace of development of technology and crime patterns but should also be specific enough to capture the main criminal activities. Moreover, several speakers highlighted the need to address and respond to the increasing use of the Internet for hate speech, fake news and terrorist purposes, including by creation or updating relevant national legislation. The implementation of any legal framework was perceived to be more effective when accompanied by technical assistance and capacity-building projects.



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# IV. Organization of the meeting

## B. Statements (*continued*)

3. Statements were made by experts of the following States: Algeria, Netherlands, India, Viet Nam, Norway, Jordan, Sri Lanka, China, Turkey, Malaysia, Italy, Serbia, Estonia, Guatemala, Colombia, Mauritius, Kazakhstan, Kuwait, Egypt, Albania, former Yugoslav Republic of Macedonia, Montenegro, Thailand, Bosnia and Herzegovina.

4. Statements were also made by representatives of the following intergovernmental organizations: European Union, Council of Europe, Shanghai Cooperation Council.



V.18-02035